

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

01/11/2002

CLERK OF THE COURT  
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza  
Deputy

LC 2001-090101

FILED: \_\_\_\_\_

STATE OF ARIZONA

WILLIAM B BURKE

v.

RANDALL B THOMPSON

RANDALL B THOMPSON  
15830 S 36TH ST  
PHOENIX AZ 85048-0000

DISPOSITION CLERK-SE  
FINANCIAL SERVICES-CCC  
MESA CITY COURT

MINUTE ENTRY

MESA CITY COURT

Cit. No. #9143040

Charge: A. SPEED NOT REASONABLE AND PRUDENT

DOB: 01/17/57

DOC: 01/25/01

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

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This matter has been under advisement and the Court has considered and reviewed the record of the proceedings from the trial court, exhibits made of record and the memorandum submitted.

Appellant was convicted after a trial to the court which was held on April 25, 2001 of the Civil Traffic violation of Speed Not Reasonable and Prudent, in violation of A.R.S. Section 28-701. Appellant has filed a timely Notice of Appeal in this case. Appellant has submitted a Supplemental Memorandum to this Court requesting re-investigation of the case and an opportunity to present additional evidence. This appeal is based upon the record from the trial court. Neither party is entitled to submit additional evidence or information on appeal.

The original Memorandum submitted by Appellant complains that the investigation undertaken by a Mr. Martinez after his trial at the request of the trial judge was not performed correctly. Appellant's complaints involve many alleged mistakes by this post-trial investigation. The record reflects in the memorandum or letter to Judge Allen dated May 1, 2001 from Tim Meyer, that Mr. Meyer contacted Danny Martinez from the City of Mesa Transportation Department and requested that he report on the speed limit signs posted in the relevant area where the citation to Appellant was issued. Martinez reported that the signs were posted on October 28, 1993 and replaced in 1997. And, most importantly, within the past six months those signs have not been removed. Thus, on the date the alleged violation occurred (January 25, 2001) there were two posted speed limit signs in the area.

This Court notes that Appellant would have been able to question the accuracy and reliability of Martinez' information had Mr. Martinez testified at the trial or been subject to cross-examination at some point. The record does not reflect any agreement or stipulation by Appellant to the trial court's order regarding additional post-trial investigation.

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It is clear to this Court that Appellant was denied his right of confrontation and cross-examination in the trial court's order for an investigation after the trial. Such an investigation should have been completed prior to the trial.

IT IS THEREFORE ORDERED reversing the judgment of responsibility in the civil sanction imposed by the Mesa City Court.

IT IS FURTHER ORDERED dismissing the charges in this case.

IT IS FUTTHER ORDERED that the Mesa City Court shall refund any and all bond and/or sanction imposed in this case to Appellant.